

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,  
THURSDAY, APRIL 19, 2012 9:00 A.M., COUNCIL CHAMBERS  
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET,  
FLORENCE, SOUTH CAROLINA**

**PRESENT:**

K. G. Rusty Smith, Jr., Chairman  
Waymon Mumford, Vice-Chairman  
H. Morris Anderson, Secretary-Chaplain  
Mitchell Kirby, Council Member  
Russell W. Culberson, Council Member  
Johnnie D. Rodgers, Jr., Council Member  
James T. Schofield, Council Member  
Roger M. Poston, Council Member  
Thomas B. Robinson, County Administrator  
D. Malloy McEachin, Jr., County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Kevin V. Yokim, Finance Director  
Ryon Watkins, EMS Director  
Andrew Stout, Museum Director  
Jonathan B. Graham, III, Planning Director  
Ray McBride, Library Director  
David Alford, Voter Registration/Elections Director  
Mike Nunn, Sheriff's Office  
Barbara Coker, Sheriff's Office  
John Sweeney, Morning News

**ABSENT:**

Alphonso Bradley, Council Member

A notice of the regular meeting of the Florence County Council appeared in the April 18, 2012 edition of the **MORNING NEWS**. Copies of the Meeting Agenda were faxed to members of the media and posted in the lobby of the City-County Complex, the Doctors Bruce and Lee Foundation Public Library and all branch libraries, and on the County's website ([www.florenceco.org](http://www.florenceco.org)).

Chairman Smith called the meeting to order. Secretary-Chaplain Anderson provided the invocation and Vice Chairman Mumford led the Pledge of Allegiance to the American Flag. Chairman Smith welcomed everyone attending the meeting.

Chairman Smith stated Council was entering into the budget process and would set up a budget workshop within the next couple of weeks. Council had been trying to wait to find out what action the State would take with regard to funding the Local Government Fund.

### **APPROVAL OF MINUTES:**

Councilman Anderson made a motion Council Approve The Minutes Of The March 15, 2012 Regular Meeting Of County Council. Councilman Kirby seconded the motion, which was approved unanimously.

Councilman Anderson made a motion Council Approve The Minutes Of The March 22, 2012 Council Retreat. Councilman Schofield seconded the motion, which was approved unanimously.

### **PUBLIC HEARINGS:**

The Clerk published the titles and Chairman Smith opened Public Hearing for the following:

#### **ORDINANCE NO. 21-2011/12**

An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And To Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto.

#### **ORDINANCE NO. 22-2011/12**

An Ordinance Authorizing Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, The Execution And Delivery Of A Fee Agreement Between Florence County, South Carolina, XEL Florence, L.P., And Med3000, Inc. And Matters Relating Thereto.

#### **ORDINANCE NO. 23-2011/12**

An Ordinance Authorizing An Amendment To The Agreement Governing The Joint County Industrial And Business Park By And Between Marion County, South Carolina And Florence County, South Carolina, Dated September 19, 2002, To Authorize The Expansion Of The Boundaries Of The Park And Other Matters Related Thereto.

### **APPEARANCES:**

#### **JOHN C. MOYLAN, ATTORNEY**

Chairman Smith stated there were no scheduled appearances, however there was an important legal issue that needed to be addressed and asked, pursuant to the Rules of the Florence County Council, for the consent of at least two members of Council for Mr. John C. Moylan, Attorney to address Council concerning lawsuits filed by the Florence County Treasurer against Florence County. Council unanimously consented to the appearance of Mr. Moylan, the County's attorney of record in the lawsuits. Mr. Moylan presented background information and an overview of lawsuits recently ruled on by the Court and the Orders handed down in relation to the suits. Mr. Moylan stated that for two years the County had been fighting two lawsuits filed by the Florence County Treasurer against the County Council, Administrator and the most recent lawsuit also against the Finance Director. The first lawsuit arose when the Treasurer sought to give raises to two employees in his office. He was told by the Finance Director and County Administrator that pay raises had to be approved by County Council. Those raises were approved by

County Council, but prior to Council's approval, the Treasurer hired a private attorney and sued, arguing that he had sole discretion as to whether or not to approve those pay increases. In response, the County filed a counterclaim and asked the Court to rule on three very important legal issues.

The first was specifically related to the pay increases. According to general law on that issue, an elected official did have control over his staff, choosing whom he will hire/fire/suspend or other personnel decisions. But when it came to appropriations, that power and authority belonged to the legislative body.

The second issue was related to the Treasurer's decision to hire a private attorney to bring suit against the County. The position taken by County Council was the South Carolina Legislature had given County Council, and only County Council, the ability to enter into contractual obligations. If every elected official could enter into a contract at their discretion, County Council would lose all authority over appropriations, because each official could engage in contracts at will and the County would be bound to pay for those contracts.

The third issue was the Treasurer wrote a check to pay his private attorney from taxpayer funds without a check warrant or without any other authority from County government. The check was written from a revenue account, not an expense account. The Treasurer was informed by the Finance Director and the County Administrator that a check warrant and County Council approval were required prior to a check being written.

The second lawsuit the Treasurer filed against the County dealt with the Delinquent Tax Fund. That was the fund from which the Treasurer requested he be given a \$20,000 raise. The Treasurer took the position in that case that the County Council should be enjoined by law from taking funds that remained in that account at the end of the fiscal year and transferring them to the general fund. The argument from the County was that the Treasurer did not have discretion over the Delinquent Tax Fund any more than he had discretion over any other funds, with the exception that the Statute provides that the cost of collecting delinquent taxes were to be charged by the Treasurer.

Mr. Moylan then presented an overview of the Court Orders on each suit. In conclusion, the Court Order stated *"The Treasurer asked this Court to grant him the fundamental legislative power, the appropriation of public funds. He does this by asking the Court to allow him to give pay raises without Council approval, to enter into binding contracts without authority, to write checks without authority, and to retain delinquent tax funds without authority. The South Carolina Constitution, the South Carolina Code, the South Carolina Supreme Court and Florence County Ordinances, as well as the controls and protocols necessary for the protection of the public treasury, all prevent the Treasurer from usurping the County's authority in responsibility for appropriations. For the foregoing reasons, the Court orders and declares the following by way of final judgment and disposition of all claims: a) the Treasurer cannot expend Florence County funds without a warrant from the County Administrator, pursuant to Florence County Code Section 11-144(6), State Law and the State Constitution; b) the Treasurer cannot enter into contracts without the approval of County Council if that contract involves the appropriation or expenditure of County funds or other public funds collected on behalf of*

*the citizens of Florence County; c) the Treasurer cannot obligate Florence County tax dollars by granting salary increases without the approval of County Council or the appropriation of funds for such raises by County Council; d) the Treasurer cannot use delinquent tax funds for purposes other than the cost of delinquent tax collection.”*

Mr. Moylan commended County Council for having the courage to stand up and fight the lawsuits; clearly the Council stood up for the Constitution and, in baseball analogy, Council just pitched a perfect game. The Court ruled in the County’s favor in every issue raised. He expressed appreciation to Council, the County Administrator, Finance Director and County Attorney for their assistance. Vice Chairman Mumford commended Mr. Moylan for his presentation and the excellent job he did in representing the County.

Councilman Schofield stated the following: “Mr. Chairman, I’m just going to give you some facts and my conclusions about these matters before us as regard to the Treasurer and these lawsuits and other lawsuits. I don’t like to have to do this; I don’t like to have to point out the facts on someone who was my childhood friend, but Mr. Chairman I was elected to this office and I promised to call it as I see it, friendship or not. When you’re wrong, you’re wrong. The public needs to know the facts and I have the facts and the documents and anyone of the public that wants to see them can come to my office and I will sit down and take the time and show them to you. Mr. Chairman I will reveal my age and say that I am sort of like the character on the old TV show, Dragnet, Joe Friday, ‘Just give me the facts, ma’am.’ Sort of amusing in the court a few weeks ago when the Treasurer’s attorney started to present his side of the case. I was there. He said something like this, ‘your Honor let me give you some of the background history of these ongoing disputes between the Treasurer and the County Council.’ The Judge cut him off and said, ‘Mr. Attorney (something to these words – not exact), I’m not worried as much about what these two parties relations are as I am about what the law says their obligations are.’ Just give me the facts. Well I’m going to give you some facts today and it is time for these lawsuits to end. If you hear anything I say today, IT IS TIME FOR ALL OF THESE LAWSUITS TO END. I constantly read with amazement some of the things the Treasurer has written, such as his comment in the News Journal that ‘Like a thief in the night the County Council stole your money.’ No, Mr. Treasurer, as the Court is now telling you, it is not your money, it is the taxpayers’ money and any excess in the delinquent tax account belongs to the tax payers to help reduce the need for tax millage in this County. Mr. Fowler, you are just another elected official in this County and you have a very simple and ministerial job to do; that is to receive the taxpayers’ money, put it in the bank, to disburse it to the school districts, the towns and cities, and to write checks for the County government when properly requested. That is part of the essential checks and balances. It isn’t as you have said that you can write checks as you will; you can only write them when you give a proper warrant and that you cannot withhold them as you have done. That is to protect the public, you hold the cash, we don’t. We set the policies as to how it is spent. You have no discretion over issuing a check with a properly executed warrant from the Administrator.

I attended the hearing on this case a few weeks ago, as I said, and it is very troubling what the Treasurer was contending. Even the Judge asked his attorney, ‘So the Treasurer thinks that after County Council sets and approves the budget’ (which we will do within

the next few months) ‘that the Treasurer could then fire two employees and raise his or anyone else’s pay.’ Of course, his attorney did not directly answer the Judge’s question. What is as equally troubling to me (and I apologize because I will probably bounce around all over this case, but it is very complex) is some of the attitude that is shown here.

This is a copy of a page from a Writ of Prohibition that the Treasurer filed; it is his Affidavit to the Supreme Court of the State of South Carolina in the Lawhon/Waverly Woods case. In it, he states, ‘the South Carolina Code does not allow any decision that I make, with respect to tax related penalties, to be reviewed by any other governmental body, not the judicial, the legislative, or the executive.’ I cannot imagine filing a brief with the Supreme Court telling them that even the judicial has no review over me. ‘I am the only person associated with Florence County that has any authority, duties and responsibilities under South Carolina Law with respect to the subject matter of this litigation. Neither the County Council nor the County Administrator has any constitutional or statutory authority to dictate anything associated with collecting taxes and tax related penalties.’ Mighty funny you didn’t file in the court, County Council was first in the court on that case, but when we decided, and rightfully so, not to appeal the Judge’s order, we knew there were some technical difficulties there, but we knew it was going to cost the taxpayers a lot of money to challenge it and so we decided not to file an appeal. It’s mighty funny that then and after that case you decided to file the appeal on behalf of the County, which we had to go to court and get the court to order that you were not the County, then you went back to the court to file as the Treasurer.

You know, really, this thing really gets you, because it all started, this started with this pay raise thing. Can you imagine filing a lawsuit against this County Council, when we didn’t grant a pay raise three months before the pay raises were going to be granted? During that budget year, we were under tight constraints; we were losing money in the Local Government Fund. We didn’t have any language in the adopting ordinance that gave merit raises or anything like that so, properly so, the County Council tells the Treasurer we will handle this in three months. Well, he files a lawsuit. Who thinks that anything’s going to happen in three months in a court? You know, obviously the money was going to be wasted.

I have all the documents of where the emails between his office, Mr. Yokim’s office, Mr. Starks’ office, where he sent the check as our attorney has told you. June 25, 2010, the Treasurer sent a memo to the Finance Director with a copy of the check, internal payment voucher and attached. In the memo the Treasurer states that ‘the Treasurer’s office does not need, nor must it request authorization to expend the funds indicated.’ Mr. Treasurer, the Court just told you, you do. This Council got an audit finding for the period ending June 30, 2010. The Treasurer’s office did not comply with Section 11-146(a) when he issued that check. The Treasurer makes a great deal of citing Code 4-9-650, that the County Administrator shall exercise no authority over any elected official of the county whose offices were created either by the Constitution or by the general laws of the State. However the Treasurer did not, as is his usual practice, quote the entire Section. The Section begins by stating ‘With the exception of organizational policies established by the governing body...’ Mr. Treasurer, that is the Florence County Council.

On March 16, 2011, this is another thing that is especially troubling to me, the weekly run of ... accounts payable checks, along with the required warrant, were delivered by the Finance Department to the Treasurer's Office for his signature. Included was a check to the law firm of Wyche, Burgess, Freeman & Parham in the amount of \$4,193.11. Later that same day, the checks were returned to the Finance Department with the exception of the check to the law firm. The Treasurer's office staff member returning the checks informed the County Finance Department staff member that the check was being held pursuant to Dean Fowler's instructions. March 25, 2011, a memo was written by the Finance Director to the County Attorney informing the County Attorney that the check had not yet been received. March 29<sup>th</sup> the County Attorney wrote a letter to Mr. Fowler's personal attorney requesting that the check be forwarded to the Finance Director. April 13, 2011, 9:04 a.m., the County Attorney called the County Finance Director in order to determine if the check had been received; it had not. From March 16<sup>th</sup> to April 13<sup>th</sup> the Treasurer unlawfully withheld payment to a County vendor, simply because the vendor happened to be the law firm the County was using to represent itself in the lawsuits the Treasurer had instigated. Even after the County Attorney sent the letter to Mr. Fowler's attorney requesting the check, it took two weeks to get the check.

Mr. Fowler, you left a paper up here a few weeks ago, I think you were planning to come deliver it to us, but you never did, telling us all about what has been done wrong the whole time you have been here and telling us about how we should remember our civics lesson in high school about the three branches of government and how you are an executive and that we were the legislative, but yet you contend you decide where the money is spent. Not the civics I learned in school. When have you ever seen anybody but the legislative branch decide where the money is spent? Mr. Treasurer, if you won't listen to what County Council says, if you won't listen to the courts, the Appeals Court, the Supreme Courts say, maybe you will to what the public says to you when they have the facts.

The most dangerous thing here is, and the most troubling to me, is this attitude that he has to answer to no one. That is not the case. He does answer; he answers to the law. Just recently in a matter of procurement in the County the Treasurer contended that he did not have to abide by the policy in getting three bids on tax forms. In the end, he didn't sue us over one, and he complied. This continued assault on our laws and policies is troubling.

Oh, yes, it is time for the lawsuits to end, but if the Treasurer follows his usual pattern, he will file an appeal in this case. We will end up paying Mr. Moylan some more money. More of the taxpayer's money will be wasted. The legal bills in these cases is staggering. In the Waverly Woods/Lawhon case, as of February, \$37,000 had been expended by this County Council; and in the other case, over \$72,000. Listen to the words that he filed before the Supreme Court in his Writ of Prohibition (which I covered with you) that he doesn't even answer to them in certain matters. To me, what kind of contempt is that for our system of laws? What kind of attitude is that? The Treasurer has stated and written that he answers to no one but the voters, but that is a dangerous attitude. When he thinks he can write a check, spending the taxpayer's funds without any legal authority, that is wrong. When he says he doesn't answer to anyone, he is wrong, he does; he answers to the law. You are not above the law and you are not above the policies and regulations of

the County. The policies and regulations of this County and State bind us all, and sometimes this Council has tripped up on getting things right, but we are accountable and we all should listen. When the law speaks or the courts we should listen. This Council has, when the Treasurer raised the issue of how the road fee money was being administered years ago, we got an attorney general's opinion stating that it would take a vote of the Council to decide the expenditures, it changed its policies and it did that. He was right to point it out and the Council listened at that time. Mr. Treasurer it is time for you to listen to what the Courts are telling you. We have a representative form of government, isn't it better when the decisions for policy for this County come from the collective wisdom of nine, rather than thoughts of one person? Isn't that what our founding fathers through our Constitutional laws fought for? No individual was all powerful and that all of us answer to the law.

I'm just going to rehash one thing that Mr. Moylan said. Despite two separate notices that Fowler needed County approval under warrant to process the payment, and despite his attorney having already received full payment in the entire amount over a month earlier, Fowler personally requested, personally approved, personally wrote, personally signed and personally delivered a County check in the amount of \$7,833 payable to his attorneys without any authorization from anyone in the County government. Fowler disbursed the funds for the check without a warrant or any other authorization from the County or County Administrator. He violated the Constitution, State Law and at least two County ordinances. The County's computer system will not let you write a check to an expense account unless you have a warrant. So since it won't let you do that, what you do is you write a check to the revenue account, and that is what he did.

In the Lawhon case, I want to read you something that the Supreme Court has said, because it is time for this case to end, too. As the County and Petitioner, (this is the Supreme Court speaking) have repeatedly asserted in the applicable sections of Title 12 of South Carolina Code clearly established the Assessor, Auditor, and Treasurer have distinct duties. It is the Assessor's duty to assess the value of real property including applying the multi-lot discount when applicable. It is the Auditor's duty to accept that valuation and issue the tax bill based on that value and it is the Treasurer's duty to collect the amount set forth in the tax bill. These are ministerial duties. The Circuit Court ordered the Assessor to apply the multi-lot discount to the petitioner's property. Once the Assessor did so, Joye was required to issue a new tax bill based on that value, as he was requested to do on two occasions by the Assessor, but has refused to do. Joye does not have the authority to question the assessment or to refuse to issue a tax bill based on that assessment. Likewise, Fowler has a duty to accept the amount set forth on the bill issued by Joye as a result of the Assessor's valuation and not to continue to insist that Pee Dee pay a higher amount. We therefore conclude a Writ of Mandamus is warranted and hereby issue a Writ of Mandamus compelling Joye to issue a revised tax notice in accordance with the September 30, 2009 Order of the Circuit Court, which reflects the multi-lot discount as applied by the Assessor at issue and eliminates any penalties and interest and compelling Fowler to accept petitioners payment in the amount set forth in the revised tax notice as full payment for the taxes issued; which shall preclude a tax sale of the petitioner's property and end all litigation concerning payment of the taxes at issue. That is an Order of the Supreme Court of the State of South Carolina and as of today, it

has not been complied with by the Auditor or the Treasurer. They are asking for a re-hearing before the Supreme Court. More money of the taxpayers for lawyers.

Mr. Treasurer, you and you alone have violated the law and this Civil Court has said so, clearly today. This is not the voice of County Council that you have so much contempt for. This is the voice of our legal system in this State that you do answer to. Mr. Treasurer, you have broken the law of the State and the County and you have to answer for that. It is time for the lawsuits to end and it is time for those who would violate the laws of the State and County to answer. This is a serious breach of ethical conduct. This is a breach of fiduciary responsibility to the taxpayers of this County. It is time for the lawsuits to end. Mr. Treasurer, you do answer, and you will answer, to the law. The Treasurer will tell you he is not part of the County. Why did he try to appeal in the Lawhon case and get rejected? He took that all the way to the Supreme Court and they sent him back down and took him to the Circuit Court and he lost it again. He tried to sell the man's property at the tax sale and the taxpayer had to get an Order from the Supreme Court stopping the sale and the Supreme Court has now spoken; reduce the tax notice and take the man's money. Yes, there may have been some technical difficulties at the front. It is a very complicated case but it's a very simple case. A taxpayer in this County was in receivership and a receiver was appointed in a court and the receiver got challenged. At the time you could file for a multi-lot discount, there was no competent party to file, so the taxpayer asked the Court to grant an extension at the time. Potentially he might have asked the wrong Court, the Circuit Court instead of the Administrative Law Court, but what's all said and done is that in a matter of equity to the taxpayer the taxpayer could not file. When this County Council looked at that years ago, we first, we were on the side of saying 'no, he should pay' but when our attorney came to us and said look, you're going to spend a lot more money than this case is worth and it is a real unusual case. What taxpayer, if any taxpayer deserves an extension in time, and to my knowledge no one has ever been granted an extension of time, but if anyone deserves it, it is a taxpayer who was in court, who the court took control of his company, who appointed a receiver, the receiver had been challenged in court and no competent party to receive and file the extension? If any taxpayer, that taxpayer deserves an extension. That's equity and this County Council realizes that. The Supreme Court has spoken and Mr. Fowler and Mr. Joye need to do their job. Mr. Treasurer and Mr. Auditor it is time for you to do your job what the Supreme Court has told you to do and it is time for the lawsuits to end.

Mr. Treasurer, do you really think you are going to get anywhere with County Council when you write emails like this one? (And I'm just about through) This is the situation we face up here and it troubles me and I have a passion for this. I got into this office because I came up here to do what the public wants me to do and to do it right. When I get an email copied to me that came from Dean Fowler on February 8, 2010, and its talking about pay raises, and its back there when he asked for the \$20,000 pay raise, he states, to Mr. Starks: 'I can only surmise that to get the kind of salary your directors make is to kiss the butts of County Council and apparently yourself.' That is very troubling to me. Is that the attitude that we should have in government?

Today, I would hope the Treasurer would understand his clear responsibilities and duties and stop these attacks on this Council. This Judge has spoken clearly to the Treasurer, he

has spoken clearly on two occasions in the Waverly Woods/Lawhon matter, the taxpayers are expending big funds here with the hope the Treasurer would do his job as the bank and custodian of public funds. He constantly tells the public that Council tries to interfere and usurp his authority. Read the last part of the Judge's Order. Clearly, the Treasurer was trying to usurp legislative authority in this case that has just been won. Mr. Treasurer, we do get to tell you what to do about a budget, personnel, procurement; that is our job and we will do it. Mr. Fowler, you will abide by procurement and personnel policies of the County. You will abide by the laws in regards to the disbursement of funds and protections of the taxpayer's funds and this Council will take whatever actions is necessary when you step outside of those bounds, as you have done in this case. No, we are not telling you how to run your office, you get to decide who you hire and fire and collect the money down there. It is time for the adversarial relationship between County Council and the Treasurer, on both sides, to end. And above all, it is time for all of these lawsuits to end and the public's money being spent frivolously. That concludes my remarks, Mr. Chairman."

Councilman Anderson stated there were three things he wanted to say: "What about the money that he spent? Does he have to pay/repay the County for his legal fees?" Mr. Moylan responded that that issue was not directly raised in the lawsuit. The thought was that the cost of pursuing that would cost the taxpayers more than the amount the Treasurer would reimburse the County. He stated the next two statements were: "One of them is something my father told me when I was a young boy. He said, 'Son, none are as blind as those who will not see.' And I just get that feeling that he will not see. The last thing I wanted to say was, why can't he attend to his office and the duties of that office and not be trying to run the County's business? We have nine elected officials by the people of this County. Why does he want to run this office? I just ... it makes me sad."

Councilman Kirby stated it seemed that through all of this, the media had been on the Treasurer's side and what saddened him was that County Council put up with all of the attacks from the Treasurer's office because Council didn't want to incur costs on the taxpayer's back. He asked the costs the County had incurred due to these lawsuits by the Treasurer. Councilman Schofield responded that the figures he gave (approximately \$100,000) were through February, but if the Treasurer continues the re-hearing on the Lawhon case and if he appealed the Judge's Order discussed today, the County would continue to incur expenses. Councilman Kirby stated it was sad that that kind of money was being spent on this type of issue when there were so many other projects the money could really be used for in these critical economic times that would benefit the taxpayers.

### **TOMMY JACKSON**

Members of Council requested that Tommy Jackson be allowed to speak regarding a water/sewer issue. Mr. Jackson stated the City of Florence had installed a new sewer station at the corner of Broad Drive and Pamplico Highway and the smell was horrible. Calls placed to the City of Florence had not been returned. The Chairman asked Mr. Jackson to provide his contact information and the County would write a letter on his behalf to the City, requesting assistance. Additionally, he suggested that DHEC be contacted to determine if they could assist.

## **COMMITTEE REPORTS:**

### **ADMINISTRATION & FINANCE**

Chairman Smith stated the Committee on Administration & Finance had no report, however a meeting would be set up to begin budget worksessions and Council as a whole would be invited to participate.

### **PUBLIC SERVICES & COUNTY PLANNING**

Committee Chairman Schofield stated the bids for the Museum project would be opened that afternoon.

### **JUSTICE & PUBLIC SAFETY**

Committee Chairman Mumford stated the Committee met prior to the regular meeting of Council to discuss litter issues. Another meeting would be scheduled prior to the next meeting in May.

## **RESOLUTIONS/PROCLAMATIONS:**

### **RESOLUTION OF RECOGNITION**

The Clerk published the title of a Resolution of Recognition: A Resolution Of Recognition For The 2012 Class A State Champions The Timmonsville High School Varsity Girls Basketball Team And Coaches. Councilman Kirby made a motion Council approve the Resolution. Councilman Mumford seconded the motion, which was approved unanimously. The Timmonsville Team was unable to attend the meeting and asked that the item be presented at the May regular meeting of Council.

### **PROCLAMATION: PEACE OFFICERS' MEMORIAL DAY**

The Clerk published in its entirety A Proclamation Recognizing May 15, 2012 As Peace Officers' Memorial Day and Councilman Rodgers presented the Proclamation to Sheriff's Office representative Mike Nunn. Councilman Mumford made a motion to approve the Proclamation as presented. Councilman Anderson seconded the motion, which was approved unanimously.

### **PROCLAMATION: WEEK OF THE YOUNG CHILD**

The Clerk published in its entirety A Proclamation Recognizing And Supporting The Efforts Of North Vista Elementary School As They Celebrate The Week Of April 22 – 28 As *The Week Of The Young Child 2012: Early Years Are Learning Years* and Councilman Mumford presented the Proclamation to Ms. Harlana Vaughan of North Vista Elementary School. Councilman Mumford made a motion to approve the Proclamation as presented. Councilman Rodgers seconded the motion, which was approved unanimously.

#### **RESOLUTION NO. 22-2011/12**

The Clerk published the title of Resolution No. 22-2011/12: A Resolution Designating April 2012 As Fair Housing Month In Florence County. Councilman Mumford made a motion Council approve the Resolution as presented. Councilman Anderson seconded the motion, which was approved unanimously.

#### **RESOLUTION NO. 23-2011/12**

The Clerk published the title of Resolution No. 23-2011/12: A Resolution Authorizing Approval Of A Support Agreement With The United States Department Of Veterans Affairs And The Florence County Sheriff's Office And Authorizing The County Administrator To Approve Said Agreement. Councilman Rodgers made a motion Council approve the Resolution as presented. Councilman Schofield seconded the motion, which was approved unanimously.

#### **RESOLUTION NO. 24-2011/12**

The Clerk published the title of Resolution No. 24-2011/12: A Resolution To Approve Multi-Jurisdictional Agreements Requested By The Florence County Sheriff And Authorizing The County Administrator To Execute Said Agreements (*Berkeley County and Kershaw County*). Councilman Mumford made a motion Council approve the Resolution as presented. Councilman Rodgers seconded the motion, which was approved unanimously.

### **ORDINANCES IN POSITION:**

#### **ORDINANCE NO. 18-2011/12 – THIRD READING**

The Clerk published the title of Ordinance No. 18-2011/12: An Ordinance To Adopt A Priority Investment Element For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

#### **ORDINANCE NO. 20-2011/12 – THIRD READING**

The Clerk published the title of Ordinance No. 20-2011/12: An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Among Florence County, South Carolina, And Project Fiber [Naturally Advanced Technologies US Inc.], And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For a Sponsor Affiliate; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; To Provide For A County Grant For Job Creation And To Enter Into Any Other Necessary Agreements To Effect The Intent Of This Ordinance; And Other Related Matters. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Poston seconded the motion, which was approved unanimously.

### **PUBLIC HEARINGS:**

There being no signatures on the sign-in sheets, the Chairman closed the Public Hearings.

### **ORDINANCE NO. 21-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 21-2011/12: An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And To Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto. Councilman Rodgers made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously. Chairman Smith asked the Clerk to make a note that for third reading that this Ordinance be deferred to address some issues with the school.

### **ORDINANCE NO. 22-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 22-2011/12: An Ordinance Authorizing Pursuant To Chapter 44 Of Title 12, South Carolina Code Of Laws, 1976, As Amended, The Execution And Delivery Of A Fee Agreement Between Florence County, South Carolina, XEL Florence, L.P., And Med3000, Inc. And Matters Relating Thereto. Councilman Anderson made a motion Council approve second reading of the Ordinance. Councilman Kirby seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 23-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 23-2011/12: An Ordinance Authorizing An Amendment To The Agreement Governing The Joint County Industrial And Business Park By And Between Marion County, South Carolina And Florence County, South Carolina, Dated September 19, 2002, To Authorize The Expansion Of The Boundaries Of The Park And Other Matters Related Thereto. Councilman Anderson made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 24-2011/12 – SECOND READING DEFERRED**

The Chairman stated that second reading of Ordinance No. 24-2011/12 was deferred and the Ordinance was referred to the Committee on Education, Recreation, Health & Welfare for further review and recommendation: An Ordinance To Amend Section 6-8. Animal Rescue Agency Adoption Policies Of The Florence County Code Of Ordinances.

### **ORDINANCE NO. 25-2011/12 – INTRODUCED**

The Clerk published the title of Ordinance No. 25-2011/12 and the Chairman declared the Ordinance introduced: An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment “A” Located On East And West Marion Street, North And South Georgetown Highway, Stone Avenue, North And South Hampton Avenue, Training Circle, Stadium Road, Stuckey Street, Columbia Avenue, East, South And West Pine Street, North And South Railroad Avenue, Trailwood Street, Florence Avenue, East Broadway Street, Possum Fork Road, Jasmine Street, Maple Street, Elm Street, Huggins Eaddy Street, Sawmill Road, North Jackson Avenue And North Butler Avenue, Johnsonville As Shown Of Florence County Tax Map No. 00433, Block 05, Parcels 001, 012-014, 049, 064, 093, 101, 103, 111, 116, 123, 179, 180, 223, 224, 229, 259, 287; Florence County Tax Map No. 00440, Block 05, Parcels 025-031, 040, 055, 070-072, 080; Florence County Tax Map No. 50002, Block 02, Parcels 007-009 And Block 03, Parcels 007-010; Florence County Tax Map No. 50003, Block 04, Parcels 001-015, 017-

028; Block 05, Parcels 001-004, And Block 06, Parcels 001-004, 006-009; Florence County Tax Map No. 50006, Block 01, Parcels 001-003, 011-015, 019; Block 03, Parcels 004, 005; Block 04, Parcels 001-003, 008-012; Block 05, Parcels 001-008, 010, 011; Block 06, Parcels 001-009; Block 07, Parcels 001-003; Block 08, Parcels 007-009; Block 09, Parcels 004, 005, 010, 011; Block 10, Parcels 005-008, 010; Block 11, Parcels 001, 008, 010-013 And Block 12, Parcels 004, 005, 009, 011; Florence County Tax Map No. 50007, Block 04, Parcels 001-004, 006-009 And Block 06, Parcels 002-005, 007; Consisting Of Approximately 207.04 Acres From R-3, Single-Family Residential District To R-3A, Single-Family Residential District; And Other Matters Related Thereto.

#### **ORDINANCE NO. 26-2011/12 – INTRODUCED**

The Clerk published the title of Ordinance No. 26-2011/12 and the Chairman declared the Ordinance introduced: An Ordinance To Ratify FY12 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto.

#### **ORDINANCE NO. 01-2012/13 – INTRODUCED**

The Clerk published the title of Ordinance No. 01-2012/13 and the Chairman declared the Ordinance introduced: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2012 And Ending June 30, 2013; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS:**

#### **PEE DEE WORKFORCE INVESTMENT BOARD**

Council Unanimously Approved The Recommendation Of The Pee Dee Workforce Investment Board For The Re-Appointment Of The Following Individuals To Serve On The Board With Appropriate Expiration Terms: Robby Hill ( Private Sector), Cindy Rogers (Department of Employment and Workforce), Cindy Bryant (Private Sector), Carol Anderson (Vocational Rehabilitation), and Joyce Hill (Private Sector).

#### **PLANNING COMMISSION**

Council Unanimously Approved The Re-Appointment Of Linda Borgman to the Planning Commission representing Council District 9, With Appropriate Expiration Term.

### **REPORTS TO COUNCIL:**

#### **ADMINISTRATION**

#### **MONTHLY FINANCIAL REPORTS**

Monthly Financial Reports Were Provided To Council For Fiscal Year 2012 Through February 29, 2012 As An Item For The Record.

## **PROCUREMENT/ SHERIFF'S OFFICE**

### **DECLARATION OF SURPLUS PROPERTY**

Councilman Mumford made a motion Council Declare Various Equipment And Office Furniture From The Florence County Sheriff's Office As Surplus Property For Disposal In The Manner Most Advantageous To The County. Councilman Anderson seconded the motion, which was approved unanimously.

## **SHERIFF'S OFFICE/GRANTS**

### **UNITED STATES DEPARTMENT OF JUSTICE GRANT APPLICATION**

Councilman Anderson made a motion Council Approve The Submission Of A Grant Application For The FY2012 USDOJ Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation In The Amount Of \$30,257 To Provide A Replacement Vehicle For The Florence County Sheriff's Office And Replacement Equipment For The Detention Center. Councilman Mumford seconded the motion, which was approved unanimously.

## **OTHER BUSINESS:**

### **ROAD SYSTEM MAINTENANCE FEE (RSMF)**

#### **OLD SANSBURY ROAD**

Councilman Kirby made a motion Council Approve The Expenditure Of Up To \$81,314 From Council District 4 RSMF Funding Allocation To Pay For Rock And Crushed Asphalt For Old Sansbury Road. Councilman Rodgers seconded the motion, which was approved unanimously.

## **UTILITY**

### **BEN GAUSE ROAD**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$18,573 From Council District 5 Utility Funding Allocation For A Water Line Extension For Ben Gause Road. Councilman Mumford seconded the motion, which was approved unanimously.

### **BROOKS MCCALL PARK**

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$7,500 From Council District 3 Utility Funding Allocation To Erect Area Lighting At Brooks McCall Park. Councilman Kirby seconded the motion, which was approved unanimously.

### **CYPRESS GLENN SUBDIVISION**

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$165,800 From Council District 9 Utility Funding Allocation To Pay For The Resurfacing Of Roads Within Cypress Glenn Subdivision. Councilman Rodgers seconded the motion, which was approved unanimously.

### **LAVERNE ARD PARK**

Councilman Poston made a motion Council Approve The Expenditure Of Up To \$5,000 From Council District 2 Utility Funding Allocation For Facility Improvements At Laverne Ard Park. Councilman Anderson seconded the motion, which was approved unanimously.

### **SAVANNAH GROVE COMMUNITY PARK**

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$600 From Council District 3 Utility Funding Allocation For Asphalt To Repair Edges Of Basketball Court At Savannah Grove Community Park. Councilman Rodgers seconded the motion, which was approved unanimously.

## **INFRASTRUCTURE/UTILITY**

### **JOHNSONVILLE FIRE DISTRICT**

Councilman Poston made a motion Council Approve The Expenditure Of Up To \$50,000 From Council Districts' Infrastructure/Utility Funding Allocations (Approximately \$5,556 From Each District) To Assist The Johnsonville Fire District With The Replacement Of An Outdated, Inoperable Tanker Truck. Councilman Anderson seconded the motion, which was approved unanimously.

**The following item was an addition to the Agenda:**

## **OTHER BUSINESS:**

### **INFRASTRUCTURE**

#### **PARKS AND RECREATION MAINTENANCE BUILDING**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$2,600 From Council District 5 Infrastructure Funding Allocation To Install An Ice Machine At Parks And Recreation Maintenance Building. Councilman Mumford seconded the motion, which was approved unanimously.

## **EXECUTIVE SESSION:**

Councilman Anderson made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, To Discuss Two Personnel Matters. Councilman Culberson seconded the motion, which was approved unanimously.

Council entered executive session at 10:18 a.m. Council reconvened at 10:53 a.m.

There being no further business to come before Council, Councilman Anderson made a motion to adjourn. Councilman Rodgers seconded the motion, which was approved unanimously.

**COUNCIL MEETING ADJOURNED AT 10:53 A.M.**